

Remarks

This Application has been carefully reviewed in light of the Office Action. Applicants appreciate the Examiner's consideration of the Application. In order to advance prosecution of this Application, Applicants have responded to each notation by the Examiner. Applicants respectfully request reconsideration and favorable action in this case.

Claim Objections

The Examiner objects to Claims 19 and 29, stating that the claims include various informalities. Applicants have amended Claims 19 and 29 as suggested by the Examiner. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 19 and 29.

Rejections under Section 103

The Examiner rejects under 35 U.S.C. § 103(a): Claims 1-4, 6-9, 11-14, and 16-44 as being unpatentable over U.S. Patent Application Pub. No. 2005/0053068 filed by Toth et al. ("*Toth*") in view of U.S. Patent Application Pub. No. 2003/0223422 filed by Igarashi et al. ("*Igarashi*"); and Claims 5, 10, and 15 as being unpatentable over *Toth* and *Igarashi* and further in view of International Publication No. WO 03/039024 filed by Rodriguez Gil et al. ("*Rodriguez Gil*"). Applicants respectfully traverse these rejections for the reasons discussed below.

Applicants respectfully submit that the combinations of *Toth*, *Igarashi*, and *Rodriguez Gil* proposed by the Examiner fail to disclose, teach, or suggest elements specifically recited in Applicants' claims. For example, the *Toth-Igarashi* combination proposed by the Examiner fails to disclose, teach, or suggest the following recited in independent Claim 1:

directing an enabler mobile to facilitate delivery of the multicast content to the user device using the bearer path, the enabler mobile located in the cell for which the enabler mobile enables delivery, the enabler mobile substantially fixed in position and distinct from a base station operable to communicate the multicast content to the user device, the enabler mobile further distinct from a base station controller.

The Examiner relies on an access router of *Igarashi* to disclose an enabler mobile of Claim 1. (Office Action, Page (stating "[h]erein, AR1 is fixed and distinct from a base station or a base station controller").)

The *Igarashi* access router, however, operates as the base station. *Igarashi* discloses, “the access routers are routers with the ***base station function***, such as radio interfaces and the like.” (*Igarashi*, Para. 0003 (emphasis added).) *Igarashi* also discloses, “each access router forming a cell and configured to perform radio communication with a mobile terminal located in the cell.” (*Igarashi*, Para. 0014.)

That is, the access router of *Igarashi* operates as a base station. As a result, *Igarashi* fails to disclose “the enabler mobile ... ***distinct from a base station operable to communicate the multicast content to the user device***” of Claim 1 (emphasis added).

Consequently, at a minimum, *Igarashi* fails to disclose, teach, or suggest “directing an enabler mobile to facilitate delivery of the multicast content to the user device using the bearer path, the enabler mobile located in the cell for which the enabler mobile enables delivery, the enabler mobile substantially fixed in position and distinct from a base station operable to communicate the multicast content to the user device, the enabler mobile further distinct from a base station controller” of Claim 1. Thus, the *Toth-Igarashi* combination proposed by the Examiner fails to disclose, teach, or suggest the elements of independent Claim 1. For at least this reason, independent Claim 1 and its dependent claims are allowable under 35 U.S.C. § 103. For analogous reasons, independent Claims 6, 11, 16, 18, 20, 22, 24, 26, 28, 33, 38, 43, and 44 and their respective dependent claims are allowable under 35 U.S.C. § 103. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 1-44.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Keiko Ichiye, the Attorney for Applicants, at the Examiner's convenience at (214) 953-6494.

Applicants believe no fee is due. However, to the extent necessary, charge any other required fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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